

APPEAL NO. 021903
FILED AUGUST 26, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 13, 2002. The hearing officer determined that (1) the compensable injury of _____, does not include toxic encephalopathy, toxic effects of petrochemicals and solvents, chronic headaches, fibromyalgia, arthralgia, rhinitis, [food sensitivity, mold sensitivity, and pollen sensitivity,] autonomic nervous system dysfunction, immune system dysfunction or chronic fatigue; (2) the appellant (claimant) did not have disability; and (3) the claimant is not entitled to reimbursement for travel expenses for treatment by Dr. R. The claimant appeals the determinations on sufficiency grounds. The respondent (carrier) urges affirmance.

DECISION

We affirm.

The hearing officer did not err in making the complained-of determinations. The determination regarding extent of injury involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer reviewed the evidence and found that the compensable injury did not include the claimed conditions listed above. We cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Given the hearing officer's determination in this regard, and our affirmance of this determination, we likewise affirm the determinations that the claimant did not have disability resulting from the above conditions and that he is not entitled to travel reimbursement for treatment of such conditions. We also do not find a basis to conclude that the hearing officer was other than impartial in this case.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**WILLIAM PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Roy L. Warren
Appeals Judge